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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,028	09/16/2003	Yiping Hu	H0002240	4493

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EXAMINER

HEINRICH, SAMUEL M

ART UNIT PAPER NUMBER

1725

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,028

Applicant(s)

HU, YIPING

Examiner

Samuel M. Heinrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7, last line, "cover covering." is not clear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,534,745 to Lowney in view of USPN 4,220,933 to Kuhn, Jr. and in view of USPN 3,749,878 to Sullivan et al and in view of JP07112294A. The instant claims describe main body, inner tip, outer nozzle, and housing components of a laser nozzle. See Figures 1-4 of Lowney. Kuhn, Jr. describes (column 3, lines 3-9) well known "removable housing" in a laser apparatus. JP07112294A describes (English Abstract) well known detachably fitting housing elements in a laser nozzle environment. The use of detachable nozzle elements are very well known as described by Sullivan et al (see Figures 2, 3, and 5). The nozzle of Lowney including a detachable housing would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the feature of making divided or integral parts is very well known and 'detachable' provides capabilities such as shorter or lower cost replacement time.

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Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,534,745 to Lowney in view of USPN 4,220,933 to Kuhn, Jr. and in view of USPN 3,749,878 to Sullivan et al and in view of JP07112294A as applied to claim 1 above, and further in view of USPN 5,477,026 to Buongiorno. Buongiorno shows (Figures 1 and 9) well known water coolant channels built into the laser powder nozzle. The use of well known coolant channels in a laser powder nozzle would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the coolant provides good control of apparatus temperature. Describing the coolant chamber elements as a water jacket cover is merely a change in description and/or shape that does not impart patentability to the instant claimed subject matter over the prior art of record.

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,534,745 to Lowney in view of USPN 4,220,933 to Kuhn, Jr. and in view of USPN 3,749,878 to Sullivan et al and in view of JP07112294A and in view of USPN 5,477,026 to Buongiorno as applied to claim 2 above, and further in view of Patent Application Publication No. US2004/0099643A1. Porous shielding covers are well known in the art as shown in US2004/0099643A1 (see Figure 6, element 19). The use of a porous gas shield would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because the shield provides protection of the apparatus against debris.

Conclusion

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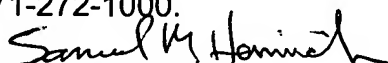
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 571-272-1175. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Samuel M Heinrich
Primary Examiner
Art Unit 1725

SMH